

TWENTY-FIFTH DAY

(Tuesday, February 19, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Senate Resolution 141

Senator Bracewell offered the following resolution:

Whereas, We are honored today to have visiting the Senate Mr. Ransom Bill, President, and Mr. George M. Reeves, Secretary-Treasurer, of the Volunteer Mercy Corps of Harris County; and

Whereas, The Volunteer Mercy Corps of Harris County is a non-profit corporation which has contributed greatly to the care of the suffering of Harris County and the entire State by its unselfish devotion to the problems of the injured and afflicted; now, therefore, be it

Resolved by the Senate of the State of Texas, That this Body acknowledge the presence in the Senate of Mr. Ransom Bill and Mr. George M. Reeves; and that the Senate of the State of Texas commend them, together with their fine organization, the Volunteer Mercy Corps of Harris County, for the fine work which is be-

ing done through that organization for the citizens of our State.

The resolution was read and was adopted.

Senator Bracewell by unanimous consent presented Mr. Bill and Mr. Reeves to the Members of the Senate.

Reports of Standing Committees

Senator Lane submitted the following report:

Austin, Texas,
February 19, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 134, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Senator Weinert submitted the following reports:

Austin, Texas,
February 18, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 214, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass with attached committee amendment, and be printed.

WEINERT, Chairman.

Austin, Texas,
February 18, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 140, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that C. S. S. B. No. 140, attached hereto, do pass in lieu thereof.

WEINERT, Chairman.

C. S. S. B. No. 140 was read first time.

Austin, Texas,
February 18, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 18, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
February 18, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 254, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
February 18, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 249, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
February 18, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 166, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senator Fly submitted the following report:

Austin, Texas,
February 19, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred S. B. No. 38, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FLY, Vice-Chairman.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the Committee indicated:

By Senator Moffett:

S. B. No. 258, A bill to be entitled "An Act creating Midwestern University at Wichita Falls, Texas, and providing for work at said University suitable to a University of higher learning teaching the liberal arts and sciences of the first class; providing for the organization, control and management thereof, the appointment of a Board of Regents, and selection of a President; providing for the granting of appropriate degrees, and to create a University of the first class; providing such courses of study to be appropriate therefor; providing for the acquisition of certain lands and buildings, and additional lands where necessary for the enlargement and work of said University, including the Junior College known as Hardin Junior College, empowering the Board of Regents to accept donations, gifts and endowments, and the conditions thereof; and further providing that the University hereby created shall not institute or offer any educational courses herein provided for unless and until suitable arrangements are made with Midwestern University, a private corporation, and Hardin Junior College, for the acquisition or use of the corporeal properties of said Midwestern University and Hardin Junior College and their facilities unincumbered; providing all necessary details to accomplish the purpose of this Act; repealing all laws and parts of laws in conflict with this Act; providing a saving clause; and declaring an emergency."

To the Committee on State Affairs.

By Senator Moffett:

S. B. No. 259, A bill to be entitled "An Act creating a conservation and reclamation district under Article XVI, Section 59, of the Constitution comprising the territory contained within the cities of Seymour, Knox City, Munday, Goree, Haskell, Rule and Rochester, to be known as the "North Central Texas Municipal Water Authority," for the purpose of providing a source of water supply for municipal, domestic, industrial, and mining uses and processing and transporting the same; providing for a board of directors to govern said

Authority; providing for the annexation of additional territory thereto; authorizing the Authority to do all things to make available for the above-named uses water from surface sources and water it may obtain by purchase, lease, and operation contracts with persons, firms, corporations, and public agencies or the United States Government or any of its agencies; empowering the Authority to acquire land and construct, lease, or otherwise acquire all facilities necessary or useful in diverting, impounding, storing, processing, or transporting water for the above-named purposes; authorizing the Authority to lease or acquire rights in and to storage and storage capacity in any reservoir; authorizing the issuance of bonds and making provision for the payment and security thereof; making applicable to the Authority Title 52, Revised Civil Statutes, as amended, relating to eminent domain, and declaring the Authority to be a municipal corporation within the meaning of Article 3268 of Title 52; providing that the Authority shall bear the expense of relocation, raising, or rerouting of any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; prescribing other powers and duties of the Authority; providing that the Authority shall not exercise any of the power or authority conferred in this Act until establishment of such Authority is confirmed at an election held throughout the Authority; enacting other provisions relating to the subject; providing that nothing in this Act shall be interpreted to repeal or amend Article 7471, Revised Civil Statutes of Texas; providing for severability; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Smith:

S. B. No. 260, A bill to be entitled "An Act amending Section 24, Chapter 173, Acts of the Forty-seventh Legislature, Regular Session, 1941 (codified in Vernon's as Section 24 of Article 6687b, and known as the Driver's License Law) as amended so as to provide that no other license shall be issued to a person whose license has been suspended during the period of suspension; making other provisions relating thereto; providing

a severability clause and declaring an emergency."

To the Committee on State Affairs.

By Senator Bradshaw:

S. B. No. 261, A bill to be entitled "An Act amending Section 4, Section 8, Section 11 and Section 14 of Chapter 94, Acts of the Fifty-First Legislature 1949, by adding to said Section 4, sub-divisions to be known as 4a and 4b, providing for the appointment of committees within the Board, describing their duties, providing for the issuance of subpoenas, administration of oaths, the procedure of conducting hearings; and by adding to Section 8, new sub-divisions to be known as 8a, 8b, and 8c, providing for cancellation and penalties for failure to renew licenses annually, providing for licensees to attend educational lectures or post graduate courses as a pre-requisite for annual renewal of licenses, defining interns and providing for their supervision; and by amending Section 11, providing fees for the payment of expenses of the Board and disbursement thereof; and by amending Section 14 pertaining to the authority of the Board to revoke, cancel or suspend licenses or refuse to admit persons to its examination; providing for repeal of all laws and parts of laws in conflict herewith, providing for severability, and declaring an emergency."

To the Committee on Public Health.

By Senator Rogers:

S. B. No. 262, A bill to be entitled "An Act to require every life insurance company chartered by this State to annually make and mail statement of its financial condition to each of its stockholders; prescribing the form, period covered by, and time of mailing such statements, and proof of compliance with this Act; and declaring an emergency."

To the Committee on Insurance.

By Senators Bradshaw and Bracewell:

S. B. No. 263, A bill to be entitled "An Act amending Chapter 491, Acts of the 52nd Legislature, Regular Session, 1951, known as the Insurance Code by adding a new Article to Chapter 2 of the Insurance Code to be numbered Article 2.22 providing that if any insurance company is insolvent and any manager, officer or director with knowledge of such in-

solvency receives, assents or permits premiums of insurance of any kind or character to be charged or collected or who with knowledge of such insolvency makes or assents to further insurance, he shall be personally liable for any loss on such insurance; making it a felony for any manager, officer or director of any insurance company to receive, assent to or permit premiums of insurance of any kind or character to be charged when such manager, officer or director shall have had knowledge of the fact that such insurance company is insolvent or in failing circumstances; providing penalties; providing a severability clause and declaring an emergency."

To the Committee on Insurance.

By Senator Bracewell:

S. B. No. 264, A bill to be entitled "An Act concerning liens on oil land mineral property, amending the following Articles: Article 5473, Revised Civil Statutes of Texas, 1925; Article 5476, Revised Civil Statutes of Texas, 1925, as amended, Article 5476a, Revised Civil Statutes of Texas, 1925, added by Acts of the Fifty-third Legislature, Regular Session, 1953, Chapter 89, Section 2, Article 5476b, Revised Civil Statutes of Texas, 1925, added by the Acts of the Fifty-third Legislature, Regular Session, 1953; and adding two new Articles concerning sub-contractor's liens on oil and mineral property and concerning the impairment and forfeiture of oil and mineral property liens; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Bracewell:

S. B. No. 265, A bill to be entitled "An Act making an appropriation to pay the principal due on a certain judgment obtained against the State of Texas in Cause No. 104,489, styled United Gas Pipe Line Company vs. The State of Texas in the 126th Judicial District Court of Travis County, Texas, according to the tenor, effect and reading of such judgment; and declaring an emergency."

To the Committee on Finance.

By Senator Bracewell:

S. B. No. 266, A bill to be entitled "An Act appropriating the sum of One Hundred Sixty-nine Thousand Sixty-four & 12/100 Dollars (\$169,064.12) out of funds in the State Treasury, not otherwise appropriated,

to pay and satisfy final judgment rendered against the State of Texas in favor of Dow Chemical Company in Cause No. 104,458, 126th Judicial District Court, Travis County, Texas, and declaring an emergency."

To the Committee on Finance.

By Senator Bracewell:

S. B. No. 267, A bill to be entitled "An Act to define the offense of encouraging or contributing to child delinquency and prescribing the punishment therefor, stating the definition of the term delinquency, fixing the jurisdiction of the court, authorizing the court to suspend any sentence imposed and to require a bond conditioned on the performance of conditions imposed by the court; providing nothing in the Act shall be construed to repeal or affect any Statute regulating powers and duties of Juvenile Courts; repealing Article 534, Penal Code of Texas; repealing the provisions of Senate Bill 425, Acts of the 51st Legislature, Regular Session, Chapter 488, and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Owen:

S. B. No. 268, A bill to be entitled "An Act to amend Section 5 of Chapter 42, Acts of the 41st Legislature, Second Called Session, as last amended by Chapter 162, Acts of the 49th Legislature, Regular Session, by the addition thereto a new Section 5a, to increase the maximum load limit on certain type commercial motor vehicles from forty-eight thousand (48,000) pounds to fifty-eight thousand (58,000) pounds where such vehicles are used for a specialized purpose and within a specified area; repealing all laws in conflict herewith; and declaring an emergency."

To the Committee on Transportation.

Senate Resolution 142

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery the Fifth Grade from Casis School accompanied by Miss Frances Osborne, teacher; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens are here to observe and learn first-hand the workings of

their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to the class in recognition of their visit.

HERRING
FULLER

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and teacher to the Members of the Senate.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
February 19, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has adopted the Conference Committee Report on Senate Bill 96 by a vote of 142 ayes and 0 noes.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 143

Senator Moore offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate the American and Texas History class of the Bremond High School, their teachers, Mr. Jack Arnold and Mrs. Lullene Reagan; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Moore by unanimous consent presented the students and teachers to the Members of the Senate.

Senate Resolution 144

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. Merritt Faulkner, Mr. Murry E. Johnson and Mr. Howard Shubert, prominent citizens of Wichita Falls, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senate Concurrent Resolution 31

Senator Hardeman offered the following resolution:

S. C. R. No. 31, Relating to Texas Statehood Week and Statehood Day.

Whereas, Today marks the One Hundred Eleventh Anniversary of the termination of the government of the glorious Republic of Texas and the beginning of the illustrious history of the State of Texas. It was on February 19, 1846, that Honorable Anson Jones, the last President of the Republic of Texas, consummated the official act to close a memorable period and usher in a new era, with Honorable James Pinckney Henderson being inaugurated as the first Governor of the great State of Texas; and

Whereas, On that date the flag of the Lone Star Republic was furled, thereafter to become the brightest star in the field of the blue of Old Glory; and

Whereas, His Excellency, the Governor of Texas, has proclaimed the week of February 17-24, 1957, as Texas Statehood Week and today as Statehood Day; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That we the members of the Fifty-fifth Legislature of the State of Texas, pause in our deliberations to rededicate ourselves to the priceless heritages and blood-bought principles incorporated in the Declaration of Independence, adopted by "The Great Convention" at Washington-on-the-Brazos, and the Constitution, which bear the approval and are sanctioned by the wisdom of the ages and to reaffirm and pay tribute to and express our gratitude for the sacrifices, foresight and efforts of the founding fathers of our land and country who established the right to

life, liberty and the pursuit of happiness.

HARDEMAN
LANE
WEINERT
FLY

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the resolution was considered immediately and was adopted.

Message from the Governor

The following message received from the Governor today was read and was referred to the Committee on Nominations:

February 19, 1957.

To the Senate of the Fifty-fifth Legislature.

On January 10, 1957, five days before I took the oath of office as Governor, my predecessor submitted to the Senate the appointments of three members of the Board of Regents of the University of Texas and three members of the Board of Directors of Texas A. & M. College, with terms to expire January 10, 1963.

These appointments by the outgoing Governor were made contrary to an opinion of the Attorney General of Texas dated January 16, 1933, in which it was held that the "duty or privilege of appointment, in this instance, is that of the incoming administration" rather than the outgoing Governor.¹

This Attorney General's opinion was based upon a fact situation precisely the same as that which exists today. The outgoing Governor, Honorable Ross S. Sterling, had submitted to the Senate the names of three new appointees to the Board of Regents of the University of Texas. A legal question was raised as to his authority to make these appointments, and he asked the Attorney General for the opinion referred to above. Upon receiving this opinion, Governor Sterling withdrew the appointments, and they were subsequently made by incoming Governor Miriam A. Ferguson.²

The Attorney General's opinion reviews the history of the statute applicable alike to the University and A. & M. Boards, and concludes that any ambiguity in the statute had long

since been resolved by the consistent interpretation of the Governors and Senates of Texas. Not once had these appointments been made by an outgoing Governor and confirmed by the Senate. All outgoing Governors had respected the right and privilege of incoming Governors to make the appointments except outgoing Governor Pat M. Neff, whose appointments in 1925 were rejected by the Senate.

Attorney General Allred concluded that "the practical construction of the statutes, which has been long followed by the Chief Executives of this State, constitutes the true construction thereof and settles the question of the duty or privilege of appointment of members of the Board of Regents."

I have determined personally and from the present Attorney General that there has been no change in the law and no change in the departmental interpretation thereof since the Allred opinion. On the contrary, the opinion has been followed by each Governor and Senate during the 23 years since it was written, with only one partial exception. That was in 1947 when outgoing Governor Coke Stevenson attempted to make these six appointments, but four of them were rejected by the Senate.³ The vacancies were subsequently filled by incoming Governor Beauford Jester.⁴

Thus, no incoming Governor in the history of Texas has ever been denied representation on these two important Boards. Each Board has nine members. Six members of each of the present Boards were legally appointed by former Governor Shivers. If his outgoing appointments of the remaining three are allowed to stand contrary to the law as heretofore interpreted and followed, I would have no representation on either Board during the two-year term to which I have been elected. A more serious consequence would be the establishment of an undesirable change in practice and precedent, and the defeat of one of the primary purposes of our Constitutional provision for staggered terms on Boards with six-year appointments.

I realize that the names submitted to you by my predecessor are those of capable and qualified persons. Some of them had been recommended to me, and I would have appointed them myself. I will no doubt resubmit

¹Texas Senate Journal, 1933, pp. 71-76.

²Id., p. 70.

³Texas Senate Journal, 1947, pp. 235, 236.

⁴Id., pp. 284, 317.

some if not all of them for your consideration. Unless and until this is done, there is and will remain a question as to the legality of their appointments. Clearly they are contrary to the law as interpreted by the Attorney General and heretofore followed by the Governor and the Senate.

In my oath of office I swore to uphold and follow the law. I do so now by withdrawing the following appointments and respectfully requesting your consent thereto:

Board of Regents, The University of Texas: Joe C. Thompson of Dallas, Dallas County; Thornton Hardie of El Paso, El Paso County; J. P. Bryan of Freeport, Brazoria County.

Board of Directors, A. & M. College of Texas: L. H. Ridout, Jr., of Dallas, Dallas County (reappointment); Eugene B. Darby of Pharr, Hidalgo County; Herman Heep of Buda, Hays County, and Austin, Travis County.

Respectfully submitted,
PRICE DANIEL,
Governor.

Senate Resolution 145

Senator Secrest offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, eleven students of Davilla School of Davilla, Milam County, Texas, accompanied by their teacher, Mr. James Davis; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn first-hand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Secrest by unanimous consent presented the Students and teacher to the Members of the Senate.

Senate Concurrent Resolution 24 on Second Reading

Senator Hudson moved that the reg-

ular order and Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. C. R. No. 24 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Ashley	Moffett
Bracewell	Owen
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

Absent

Hazlewood	Moore
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The President laid before the Senate on its second reading and passage to engrossment:

S. C. R. No. 24, Granting City of McAllen permission to sue the State of Texas.

The resolution was read second time.

Senator Hudson offered the following amendment to the resolution:

Amend S. C. R. No. 24 by adding the following language at the conclusion of said resolution:

"Whereas, The City of McAllen is in need of determining its right in connection with gas gathering taxes heretofore paid, and which fact creates an emergency and public necessity that the constitutional rule requiring resolutions to be read on three several days in the two Houses be suspended and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage."

The amendment was adopted.

Senator Hardeman offered the following amendment to the resolution:

Amend S. C. R. 24 by adding a new resolving clause as follows:

"Resolved, That the venue in any

suit filed herein shall be in Travis County, Texas."

The amendment was adopted.

The resolution, as amended, was passed to engrossment.

Senate Concurrent Resolution 24 on Third Reading

Senator Hudson moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and that S. C. R. No. 24 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—31

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

Bills and Resolutions Signed

The President signed in the presence of the Senate after the captions

had been read, the following enrolled bills and resolutions:

S. B. No. 146, A bill to be entitled "An Act authorizing the District Attorney of the 70th Judicial District to employ stenographers, assistants and investigators; prescribing their compensation, powers, duties, authority and method of employment; making other provisions relating thereto; providing a repealing clause; providing a severability clause; and declaring an emergency."

S. B. No. 52, A bill to be entitled "An Act relating to the construction, acquisition and equipment of buildings and other plant facilities by junior college districts; amending Chapter 25, Acts of the 54th Legislature, 1955, codified as Article 2815r-1 of Vernon's Texas Civil Statutes, by adding a new section to be designated as Section 5a, so as to further define and clarify the kinds of buildings and structures which may be constructed thereunder and the authority of the governing boards of the districts to charge fees for the use of buildings and other facilities; stating the effect of this Act on other laws; and declaring an emergency."

S. B. No. 28, A bill to be entitled "An Act authorizing and directing the Board for Texas State Hospitals and Special Schools, acting by the Executive Director thereof, to execute and deliver to the State Highway Commission of Texas a right-of-way easement to certain land in Wilbarger County, Texas, for the reconstruction and maintenance of a State highway extending along or across certain State property known as Vernon State Hospital, Branch of Wichita Falls State Hospital; and declaring an emergency."

S. C. R. No. 27, Inviting Honorable Prentice Cooper to address a Joint Session of the Legislature.

S. C. R. No. 18, Granting Southern Community Gas Company permission to sue State of Texas.

Committee Substitute Senate Joint Resolution 4 on Second Reading

Senator Ashley moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that C. S. S. J. R. No. 4 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Willis
Lock	Wood
Martin	

Nays—5

Bradshaw	Moffett
Fly	Weinert
Hardeman	

Absent

Hazlewood

The President laid before the Senate on its second reading and passage to engrossment:

S. J. R. No. 4, Proposing an Amendment to Section 56 of Article XVI of the Constitution of the State of Texas, providing that the Legislature be authorized to appropriate money and establish the procedure necessary to expend such money for the purpose of developing information about the natural, agricultural, industrial, educational, marketing and living resources of Texas and for the purpose of informing the people of Texas and other states through advertising, public relations or other promotional work, of the facts about and advantages offered by the State of Texas.

The resolution was read second time and was passed to engrossment.

Motion to Place Senate Joint Resolution 4 on Third Reading

Senator Ashley moved that the Constitutional Rule and Senate Rule 45 requiring resolutions to be read on three several days be suspended and that C. S. S. J. R. No. 4 be placed on its third reading and final passage.

The rule failed to suspend by the following vote (not receiving four-fifths vote of the Members present):

Yeas—24

Aikin	Bracewell
Ashley	Colson

Fuller	Parkhouse
Gonzalez	Phillips
Hazlewood	Ratliff
Herring	Reagan
Hudson	Roberts
Kazen	Rogers
Krueger	Secrest
Lock	Smith
Moore	Willis
Owen	Wood

Nays—7

Bradshaw	Martin
Fly	Moffett
Hardeman	Weinert
Lane	

Senate Resolution 146

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery the 5th grade class of Highland Park School in Austin, Texas, accompanied by Mrs. Deletta Sayers, their sponsor; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, These fine young American citizens are here to obtain and learn first-hand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly indorsed, bearing the official seal of the Senate, be mailed to the class in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and Mrs. Sayers to the Members of the Senate.

Senate Bill 149 on Second Reading

Senator Krueger moved that the regular order and Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 149 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Bradshaw
Ashley	Colson
Bracewell	Fly

Fuller	Owen
Gonzalez	Parkhouse
Hardeman	Phillips
Hazlewood	Ratliff
Herring	Reagan
Hudson	Roberts
Kazen	Rogers
Krueger	Secrest
Lane	Smith
Lock	Weinert
Martin	Willis
Moffett	Wood
Moore	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 149, A bill to be entitled "An Act to amend the Meat Inspection Law (Chapter 339, Acts 49th Legislature, as amended) so as to include poultry and domestic rabbits within its provisions; defining poultry to include domesticated birds and commercially-produced game birds; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 149 on Third Reading

Senator Krueger moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 149 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

Message from the House

Hall of the House of Representatives,
Austin, Texas,
February 19, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 30, Authorizing the Enrolling Clerk of the Senate, to make certain corrections which were inadvertently omitted when amending the Resolution, etc.

S. C. R. No. 31, Recognizing February 17 to 24th, 1957, as Texas Statehood Week.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

Notice of Executive Session

Senator Lock asked unanimous consent that the Senate go into Executive Session at 11:40 o'clock a.m. today.

There was objection.

Senator Lock then moved that the Senate go into Executive Session at 11:40 o'clock a.m. tomorrow.

The motion prevailed.

Adjournment

On motion of Senator Hardeman the Senate at 11:42 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.